

DAWSON et al.
Application No. 10/046,761
February 13, 2004

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 14-28 are pending in this application.

Allowable Subject Matter:

The Office Action indicates that claims 15-28 are allowable. Claims 18 and 19 previously depended from claim 14 which stands rejected under 35 U.S.C. §103. Applicant therefore presumes that the Examiner intended to indicate in the Office Action that claims 18 and 19 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant respectfully requests notification if this presumption is incorrect. Claims 18 and 19 have now been written in independent form including the limitations of (still rejected) claim 14. Applicant therefore believes that claims 18 and 19 are now allowable along with claims 15-17 and 20-28.

Rejection Under 35 U.S.C. §103:

Claim 14 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Hibbard (U.S. '054). Applicant respectfully traverses this rejection.

In order to establish a *prima facie* case of obviousness, all of the claimed limitations must be taught or suggested by the prior art. Applicant respectfully submits that Hibbard fails to teach or suggest all of the claimed limitations. For example, Hibbard fails to teach or suggest both a pre-packaged stator core section and a manually stacked stator core section as required by claim 14.

Col. 2, lines 54 *et seq.* of Hibbard states:

“The stator core laminations are held in the stator frame 1 by suitable means such as dovetail keys 5 secured to transverse ribs 6 in the stator frame. The core illustrated in the drawings is built up of segmental laminations each of a length equal to twice the distance between the keys, and alternate segments are staggered so as to break joints between adjacent layers.”

While Figs. 1 and 2 and the above portion of Hibbard disclose a stator core 2 having segmental laminations, Hibbard fails to disclose stator core 2 having the following different types of stator core sections: (1) a pre-packaged stator core section and (2) a manually stacked stator core section.

The Office Action states that “It would have been obvious to one of ordinary skill in the art at the time the invention was made to pre-package the stator core for ease of manufacturing since it was known in the applicants’ disclosure that pre-packaged stator core sections are old art (Cf. Applicants’ disclosure, page 1, lines 25 & 26).” The Office Action therefore does not even allege that it would have been obvious to one of ordinary skill in the art at the time the invention was made to pre-package some, but not all, of the stator core laminations so that there are at least two different types of stator core sections: a pre-packaged stator core section and a manually stacked stator core section.

As noted on page 1, line 26-27 of the application, “Manufacturing stator cores using pre-packaged stator core sections has been accomplished in the past under special circumstances.” Pre-packaged stator core sections are therefore not novel per se. However, neither the admitted prior art or Hibbard provide any motivation which would impel one skilled in the art to form a stator core having both a pre-packaged

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stator core section and a manually stacked stator core section. For example, Hibbard fails to even begin to contemplate using different types of stator core sections such as both pre-packaged and manually stacked stator core sections, let alone appreciate any advantages resulting therefrom. These advantages include, for example, increasing stator core production capacity by reducing a lengthy stator core stacking cycle, eliminating lamination stacking difficulties and rework caused by the relatively poor ability to provide an appropriate key bar location, and the possibility of utilizing a standard low cost stator frame design. (See, e.g., page 2, lines 14-17). The Examiner's conclusion of obviousness is therefore based on improper hindsight reasoning. If anything, it appears that the Office Action's purported motivation is derived from the description of Applicant's own invention provided in the subject application. There is thus no suggestion or motivation to modify the teachings of Hibbard to form a stator core having both manually stacked and pre-packaged stator core sections. In alleging that it would have been obvious to pre-package the stator core sections disclosed by Hibbard, the Office Action has improperly employed an "obvious to try" rationale. That is, the Office Action has apparently alleged that it is obvious to try various modifications until one possibly arrived at the claimed invention, where Hibbard and the admitted prior art gave direction as to which of the possible modifications is likely to be successful.

Accordingly, Applicant respectfully submits that claim 14 is not "obvious" over Hibbard and respectfully requests that the rejection of claim 14 under 35 U.S.C. §103 be withdrawn.

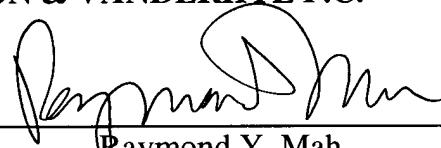
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Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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